Calendar No. 231

101ST CONGRESS *1st Session*	SENATE	REPORT 101-123

DISTRICT OF COLUMBIA POLICE AUTHORIZATION AND EXPANSION ACT OF 1989

REPORT

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

TO ACCOMPANY

H.R. 1502

TO AUTHORIZE THE APPROPRIATION OF FUNDS TO THE DISTRICT OF COLUMBIA FOR ADDITIONAL OFFICERS AND MEMBERS OF THE METROPOLITAN POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA, AND TO PROVIDE FOR THE IMPLEMENTATION IN THE DISTRICT OF COLUMBIA OF A COMMUNITY-ORIENTED POLICING SYSTEM

SEPTEMBER 12 (legislative day, SEPTEMBER 6), 1989.—Ordered to be printed

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DISTRICT OF COLUMBIA POLICE AUTHORIZATION AND EXPANSION ACT OF 1989

SEPTEMBER 12 (legislative day, SEPTEMBER 6), 1989.—Ordered to be printed

Mr. GLENN, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany S. 1502]

The Committee on Governmental Affairs, to which was referred the bill (H.R. 1502) to authorize the appropriation of funds to the District of Columbia for additional officers and members of the Metropolitan Police Department of the District of Columbia, and to provide for the implementation in the District of Columbia of a community-oriented policing system, having considered the same, reports thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

I. PURPOSE AND SUMMARY

In order to augment law enforcement efforts in the Nation's Capital, H.R. 1502 authorizes the appropriation of funds over a five-year period to provide for the salaries and expenses of 700 additional officers and members of the Metropolitan Police Department of the District of Columbia.

Section 2 of the bill amends the District of Columbia Self-Government and Governmental Reorganization Act (the "Home Rule Act") to provide the foregoing authorization, which is in addition to the authorization for the annual Federal payment to the District of Columbia presently contained in the Home Rule Act. H.R. 1502 authorizes $23,190,000 for fiscal year 1990 and slightly larger amounts in succeeding years, culminating in $28,367,000 for fiscal year 1994. The expenditure of these funds is conditional upon the Mayor's notification of Congress that a community-oriented polic-

ing system has been planned and implemented by the District of Columbia.

Section 3 of H.R. 1502 requires the District of Columbia, with the assistance of the Bureau of Prisons and the National Institute of Corrections, to develop a criminal recordkeeping and classification system which will facilitate the monitoring of the District's prison population and the processing of criminal cases in the District.

Section 4 of H.R. 1502 amends the District of Columbia Uniform Controlled Substances Act of 1981 to provide that the proceeds of property forfeited thereunder, after expenses, will remain available to finance law enforcement activities of the District's Metropolitan Police Department.

Finally, Section 5 of the bill repeals the District's "Duncan Ordinance" in order to allow the Metropolitan Police Department to share adult arrest records with members of the court and law enforcement agencies, including the Identification Division of the Federal Bureau of Investigation.

II. Background and Need for Legislation

During the late 1980's, this Nation has experienced a dramatic upsurge in the drug trade, particularly involving "crack," a powerfully addicting derivative of cocaine. This drug epidemic has brought in its wake an alarming increase in homicides and other drug-related crimes.

While not confined to one geographic area, the increase in drug-related crimes has achieved particular notoriety in the District of Columbia. The number of homicides in the District reached an all-time peak in 1988 and appears likely to set a new record in 1989. These statistics, the city's position as the Nation's Capital, and the Federal role in governing the District have focused public scrutiny on the District's drug-related crime and have led to several Congressional hearings on the problem.

In the Senate, in 1989 alone, the Committee on Governmental Affairs; the Subcommittee on General Services, Federalism, and the District of Columbia, Committee on Governmental Affairs; and the Committee on Appropriations, Subcommittee on the District of Columbia, have all held hearings on drug-related crime and violence in and around the District of Columbia. In the House of Representatives, the Committee on the District of Columbia, Subcommittee on Fiscal Affairs and Health, and the Select Committee on Narcotics Abuse and Control have held numerous hearings in the last several years on this same issue.

Many of the witnesses at these hearings pointed out the need for increased manpower for law enforcement purposes in the District. The steady decline in the ranks of the District's Metropolitan Police Department was noted particularly. The Department has decreased from a peak strength of 5,100 officers in the early 1970's, to under 4,000 officers at present.

Despite efforts at improved coordination between Federal and District law enforcement agencies in combating the drug epidemic, the need for a significant increase in the sheer number of local law enforcement officers remains critical. For example, at the hearing on "Federal-State-Local Solutions to Crime and Drug Abuse" held

on May 9, 1989 before the Senate Committee on Governmental Affairs, Subcommittee on General Services, Federalism, and the District of Columbia, this exchange occurred between the Subcommittee Chairman and the incoming Chief of the Metropolitan Police Department, Isaac Fulwood:

> Senator SASSER. Chief, let me get your reaction to the frequent call for additional police officers. Is there a shortage of police officers in the District of Columbia? * * *
>
> Mr. FULWOOD. I certainly think that we need more police officers. And I think in the demonstration project that the Mayor put into effect over the last two months by permitting us to have people on overtime clearly demonstrates that high visibility and an aggressive profile can have an impact on crime and violence in the city. I would certainly like to see us get more police officers * * * I would like to see that happen right away.

The Federal Government has a history of intervention to augment the Metropolitan Police Department in this type of situation. In 1971, in response to a crime emergency in the District of Columbia, the Nixon Administration requested and secured passage of legislation adding 1,000 officers to the District's force. In addition, the Federal Government shares general responsibility for law enforcement activities in the District. The Federal government provides Federal officers such as the Park Police and the Capitol Police. The Metropolitan Police Department itself is funded through the District of Columbia's budget, seventeen percent of which is provided by the annual Federal payment to the District.

Another law enforcement problem discussed at Congressional hearings has been the effect of what is known as the District's "Duncan Ordinance," codified at D.C. Mun. Regs. tit. 1, §§ 1000 et seq. (1986). That regulation was adopted in the late 1960's to prevent the routine dissemination of minor arrest records, such as those of civil-rights protesters, which might end up in the hands of potential employers and other private parties.

However, as interpreted by the U.S. Court of Appeals for the District of Columbia in *Utz* v. *Cullinane,* 520 F. 2d 467 (D.C. Cir. 1975), the Duncan Ordinance prohibits the District's Metropolitan Police Department from transmitting arrest records, including fingerprints, to the Identification Division of the Federal Bureau of Investigation. This has impaired the District's participation in national criminal data collection systems, resulting in the apprenhension of suspects in other jurisdictions by authorities who cannot access the arrestees' criminal records in the District. In effect, the Duncan Ordinance renders the District a "safe haven" for individuals who can be reasonably assured that thier criminal activities here will remain unknown elsewhere.

In summary, public concern over escalating drug-related crime in the District of Columbia, and the testimony received at numerous Congressional, have made clear the need for legislation to assist the District of Columbia in meeting its present law enforcement emergency.

III. History of H.R. 1502

1. ACTION IN THE HOUSE OF REPRESENTATIVES

On March 20, 1989, Delegate Walter Fauntroy of the District of Columbia introduced H.R. 1502. As introduced, the bill amended Section 502 of the Home Rule Act to authorize appropriations for the salaries and expenses of 700 additional officers and members of the Metropolitan Police Department of the District of Columbia during fiscal years 1990 through 1994. This authorization was in addition to the annual Federal payment provided under Section 502. As a precondition to the expenditure of the additional funds, H.R. 1502 required the District to increase its police force to the 4,055 officers and members currently authorized by law. H.R. 1502 also specified that no funds authorized thereunder could be expended until the Mayor of the District developed, and certified to Congress the implementation of a community-oriented policing system "modeled after such a system in Houston, Texas."

The House Committee on the District of Columbia, Subcommittee on Fiscal Affairs and Health, conducted a hearing on H.R. 1502 on April 13, 1989. The Subcommittee received testimony from the Mayor of the District of Columbia, the Honorable Marion Barry, Jr.; the Chief of the Metropolitan Police Department, Maurice Turner; the Chairman of the City Council of the District of Columbia, the Honorable David Clarke; and representatives of the District's police officers' union.

The full Committee on the District of Columbia voted on April 27, 1989 to report an amended version of H.R. 1502 to the House for consideration. That same day, the Committee also voted to report to the House H.R. 2109, a "clean" version of H.R. 1502. H.R. 2109 incorporated a number of amendments to the original bill, relating to, among other things, prison construction in the District; the use of local police officers as deputy United States Marshals; the use of judges of the United States District Court for the District of Columbia to reduce the District's local criminal trial docket; and studies of the resources and projected needs of the District's judiciary and prosecutorial systems.

Subsequently, under a suspension of the rules, the House called up H.R. 1502 as amended by the Committee, but without the provisions concerning federalization of local police or reassignment of Federal trial judges to local criminal cases. H.R. 1502, as amended, passed the House by a vote of 289–105 on June 13, 1989.

2. SENATE CONSIDERATION OF H.R. 1502

On June 14, 1989, the Senate received H.R. 1502 which was referred to the Committee on Governmental Affairs. The House bill was further referred to the Subcommittee on General Services, Federalism, and the District of Columbia.

On July 10, 1989, the Subcommittee on General Services, Federalism, and the District of Columbia, by a vote of 5–0, polled out H.R. 1502 with an amendment in the nature of a substitute. The subcommittee substitute made the following changes in H.R. 1502 as received from the House.

Section 2 of H.R. 1502 authorizes the appropriation of funds for 700 additional police officers, contingent upon the implementation of a community-oriented policing system. The subcommittee substitute deleted the House reference to the Houston, Texas community-policing system. While subcommittee members agreed that the House system provides a model approach and a useful basis for comparison, they were concerned that the District should not be unduly constricted in fashioning a community-oriented system tailored to the District's needs.

Section 3 of H.R. 1502 directed the District to proceed with construction of a new detention facility at a specified site, and provided that nothing contained in the National Historic Preservation Act may be construed to prevent such construction. The facility in question is the Correctional Treatment Facility which was mandated and funded by Congress in 1986. Its construction had been delayed, most recently by court action on the part of a community group which argued that demolition of historic properties would result. Section 3 further provided that the District should submit the design of the facility for Congressional approval. However, as of the subcommittee's consideration of H.R. 1502, Section 3 had been rendered moot by a court ruling handed down on May 18, 1989, permitting demolition and construction at the treatment facility site. Moreover, final designs for the facility have long since been approved by the required authorities. Thus, the subcommittee substitute deleted Section 3 of the bill.

Section 4 of the House bill directed the Attorney General, not later than 60 days from enactment, to submit a report to Congress on local court resources and the need for increased prosecutorial resources. The subcommittee deleted Section 4. Numerous studies of the District's court resources and needs have been done in recent years, including a major report (by the Schaller Commission) just released in June, 1989. In addition, statistics which document the caseloads and requirements of the local U.S. Attorney's office are collected on an ongoing and systematic basis; a special report would be redundant.

The subcommittee also deleted from the House bill Section 5, which directed the Attorney General to submit a report to Congress not later than 60 days from enactment, analyzing the projected effects of increased drug enforcement on crime and caseloads in the District and surrounding areas. The subcommittee did this, again, with the understanding that this section would be superfluous in light of ongoing statistics-collection and planning/projections efforts.

Section 7 of the House measure amended the forfeiture provision of the District of Columbia Code, dealing with proceeds of assets forfeited in drug cases, to allocate such resources first to law enforcement purposes and then to other programs related to drug abuse. The subcommittee substitute amended the House language to clarify that such forfeiture proceeds, if not expended at the end of the District's fiscal year, are to remain available for the stated purpose until expended. Otherwise, unexpended funds would revert to the District's General Revenue fund, which might preclude the police from using the funds to make capital purchases which would extend beyond a single fiscal year.

The subcommittee substitute incorporated a new provision for a pilot test of a national "police corps" program proposed in S. 1299. This program is comparable, for example, to the national Reserve Officer Training Corps program. It would encourage college students to embark on law enforcement careers by reimbursing educational expenses of students who commit to such careers for a specified period after college. The subcommittee substitute authorized the District's Metropolitan Police Department to hire up to 50 such college graduates, over and above the 700 additional officers provided for in the bill.

IV. Committee Vote

The Committee on Governmental Affairs held a markup on H.R. 1502 on July 13, 1989. The Committee approved the subcommittee substitute, offered by Senator Sasser, by a voice vote and agreed to report the bill favorably, subject to amendments.

During the Committee markup, Senator Stevens expressed concern that increases in the authorized strength of the Metropolitan Police Department should be related to increased patrolling and improved crime prevention in the Mall area of the Capital. Senator Stevens also expressed concern that any pilot test of the National Police Corps program, such as was contained in Section 5 of the subcommittee substitute, should encompass more than one jurisdiction and not just the District of Columbia. Senator Stevens therefore proposed an amendment, which the Committee approved on a voice vote, to delete Section 5 from H.R. 1502.

Senator Sasser proposed a technical amendment to Section 4 of the bill, concerning proceeds of forfeited assets, to further clarify that the "law enforcement activities of the District of Columbia" referred to therein are to be those of "the Metropolitan Police Department." This amendment was adopted by a voice vote.

Senator Heinz proposed an amendment which would in effect overrule the "Duncan Ordinance," by providing that notwithstanding any other provision of law, the Metropolitan Police Department "shall disseminate its unexpurgated adult arrest records to members of the court and law enforcement agents, including the Identification Division [sic] of the Federal Bureau of Investigation." The Heinz amendment further provided, however, that any records so disseminated "shall be used in a manner that complies with applicable Federal law and regulations." This amendment was adopted by the Committee by a voice vote.

The text of H.R. 1502, as reported, is as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Police Authorization and Expansion Act of 1989".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL OFFICERS AND MEMBERS FOR THE METROPOLITAN POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

(a) In General.—Section 502 of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end thereof the following new subsection:

"(c)(1) In addition to the amounts authorized to be appropriated under subsection (a), and subject to paragraphs (2) and (3), there are authorized to be appropriated to the District of Columbia, for salaries and expenses (including benefits and necessary equipment) of 700 additional officers and members of the Metropolitan Police Department of the District of Columbia, $23,149,000 for fiscal year 1990, $23,338,000 for fiscal year 1991, $25,199,000 for fiscal year 1992, $27,252,000 for fiscal year 1993, and $28,367,000 for fiscal year 1994.

"(2) Amounts appropriated under paragraph (1) shall be available only for salaries and expenses (including benefits and necessary equipment) of officers and members of the Metropolitan Police Department of the District of Columbia in excess of the authorized level of the department, for fiscal year 1989, of 4,055 officers and members.

"(3)(A) For fiscal year 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expended until 120 days after the Mayor develops and submits a plan for the implementation in the District of Columbia of a community-oriented policing system to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate.

"(B) For fiscal years after 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expanded until the Mayor submits a notification to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate that the District of Columbia has implemented for such fiscal year a community-oriented policing system in the District of Columbia.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1989.

SEC. 3. DEVELOPMENT OF CLASSIFICATION SYSTEM FOR INDIVIDUALS CONVICTED OF CRIMES IN DISTRICT.

(A) ASSISTANCE FROM BUREAU OF PRISONS AND NATIONAL INSTITUTE OF CORRECTIONS.—Not later than 180 days after the date of the enactment of this Act, the District of Colubia shall request the Director of the Bureau of Prisons and the Director of the National Institute of Corrections to provide the District of Columbia with technical assistance and training in the development of a criminal recordkeeping and classification system, which will provide the basis for a uniform strategy for managing and evaluating the processing in the District of Columbia's criminal justice system of individuals convicted of crimes in the District of Columbia.

(b) INFORMATION INCLUDED IN SYSTEM DATA BASE.—The recordkeeping and classification system described in subsection (a) shall include a data base continuously updated to provide current information on the prison population of the District of Columbia, including, but not limited to, the following:

(1) Aggregate inmate profiles and classifications based on individual records and files.

(2) Escape and other risk assessments for individual inmates.

(3) Ongoing counts of the number of persons at various stages of processing in the criminal justice system.

(4) Projections for future prison populations.

SEC. 4. USE OF PROCEEDS OF FORFEITED PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

Section 502(d)(3)(B) of the District of Columbia Uniform Controlled Substances Act of 1981 (section 33–552(d)(3)(B), D.C. Code) is amended by striking "shall be used to finance programs" and inserting "shall be used, and shall remain available until they are so used regardless of the expiration of the fiscal year in which they were collected, to finance law enforcement activities of Metropolitan Police Department of the District of Columbia, with any remaining balance used to finance programs".

SEC. 5. DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT PARTICIPATION IN THE NATIONAL CRIME INFORMATION SYSTEM.

(a) DISSEMINATION OF ADULT ARREST RECORDS TO LAW ENFORCEMENT AGENTS.—(1) Nothwithstanding any other provision of law, the District of Columbia Metropolitan Police Department shall disseminate its unexpurgated adult arrest records to members of the court and law enforcement agents, including the Identification Division of the Federal Bureau of Investigation. Such dissemination shall be done without cost and without the authorization of the persons to whom such records relate.

(2) Any records disseminated under this section shall be used in a manner that complies with applicable Federal law and regulations.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "member of the court" shall include judges, prosecutors, defense attorneys (with respect to the records of their client defendants), clerks of the court, and penal and probation officers;

(2) the term "law enforcement agent" shall include police officers and Federal agents having the power to arrest; and

(3) the term "unexpurgated adult arrest records" shall include arrest fingerprint cards.

V. Section-by-Section Analysis

Section 1. Short Title

This section states that this Act may be cited as the "District of Columbia Police Authorization and Expansion Act of 1989."

Section 2. Authorization of appropriations for additional officers and members for the Metropolitan Police Department of the District of Columbia

H.R. 1502 adds a new subsection (c) to the Federal payment provision (Section 502) of the District of Columbia Self-Government and Governmental Reorganization Act. Subsection (c)(1) authorizes $23,149,000 in fiscal 1990, and incrementally larger amounts in each of the succeeding four fiscal years, for the District to hire 700 additional officers and members of the MPD. Subsection (c)(2) further specifies that amounts appropriated under this subsection will be available only for the purpose stated, and may not be expended except for salaries and expenses of officers and members of the Department in excess of the authorized level (for fiscal year 1989) of 4,055 members.

Thus, it is the Committee's intent that in order to be eligible to receive funding appropriated pursuant to this bill, the Department must first increase to the strength authorized in the District of Columbia's budget for fiscal year 1989.

In addition, Section 2 of H.R. 1502 makes the appropriation of funding for additional officers contingent upon the District's preparation and submission to Congress of a "community-oriented policing system."

Section 3. Development of classification system for individuals convicted of crimes in District

Section 3 requires the District of Columbia, within 180 days from enactment, to request the assistance of the Directors of the Federal Bureau of Prisons and the National Institute of Corrections in efforts to improve record-keeping with respect to individuals convicted and incarcerated in the District. This section also specifies that the records should indicate the numbers of ongoing criminal proceedings in the District at various stages of disposition and include estimates of future prison populations.

Section 4. Use of proceeds of forfeited property for law enforcement activities

Section 4 amends the District of Columbia Uniform Controlled Substances Act of 1981 regarding disposition of the proceeds of assets forfeited in connection with controlled substance violations. Currently, that statute provides that property (other than controlled substances) forfeited under the statute shall be preserved and sold (if not retained for official use). After expenses of the forfeitures and sale proceedings, the balance of proceeds is to be used "to finance programs which shall serve to rehabilitate drug addicts, educate citizens, or prevent drug addiction."

Section 4 of H.R. 1502, as reported, inserts before the wording, "to finance programs," the language, "shall be used, and shall remain available until they are so used regardless of the expiration

of the fiscal year in which they were collected, to finance law enforcement activities of the Metropolitan Police Department of the District of Columbia, with any remaining balance used . . ." The Committee intends by this change that proceeds from drug asset forfeitures should be directed first toward the Metropolitan Police Department's law enforcement activities.

Section 5. District of Columbia Metropolitan Police Department participation in the National Crime Information System

Section 5 repeals the "Duncan Ordinance" which has prevented the District from sharing fully in the National Crime Information System. It provides that, notwithstanding any other provision of law, the Metropolitan Police Department shall disseminate unexpurgated arrest records (including arrest fingerprint cards) to members of the court and law enforcement agencies, including the Identification Division of the Federal Bureau of Investigation. Information so disseminated is to be used in compliance with any applicable Federal laws and regulations.

VI. Matters Required To Be Discussed Under Senate Rules

A. COMMITTEE CONSIDERATION OF H.R. 1502

The Committee met on July 13, 1989 to consider H.R. 1502. Senator Sasser offered an amendment in the nature of a substitute for the bill. Upon a motion by the Chairman, it was adopted on a voice vote.

Upon a further motion by the Chairman, the bill was ordered reported by a voice vote, subject to further amendments.

Upon a motion by Senator Stevens, adopted by a voice vote, Section 5 of the Sasser substitute was deleted from the bill.

Upon a motion by Senator Sasser, adopted by a voice vote, a technical amendment was made to Section 3 of the bill.

Upon a motion by Senator Heinz, adopted by a voice vote, a new Section 5 was added to the bill, to provide for "District of Columbia Metropolitan Police Department participation in the National Crime Information System."

B. COST OF THE LEGISLATION

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 27, 1989.

Hon. John Glenn,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 1502, the District of Columbia Police Authorization and Expansion Act of 1989, as ordered reported by the Senate Committee on Governmental Affairs, July 13, 1989.

H.R. 1502 would authorize additional payments to the District of Columbia (D.C.) in fiscal years 1990 through 1994 to enable the District to hire 700 new police officers, upon submission of a plan by the mayor to implement community oriented policing. The bill would also require the District to seek assistance from the Bureau

of Prisons and the National Institute of Corrections (NIC) to create a data base on criminal records, and to share its criminal rcords with other law enforcement agencies.

Cost to the Federal Government

Assuming appropriation of the amounts specified in the bill, funding for new police officers would result in budget authority and outlays as follows: $23 million in 1990, $23 million in 1991, $25 million in 1992, $27 million in 1993 and $28 million in 1994. The NIC would incur a cost of between $50,000 and $75,000 in fiscal year 1990 to provide technical assistance to the District. Other provisions of the bill would result in no significant cost to the federal government.

Cost to State and local governments

While it is not required by the bill, the D.C. government estimates that it would need to spend $2 million to $3 million for recruitment of new police officers and upgrading of training facilitates. Section 3 would require that the District request assistance from the Bureau of Prisons and the NIC to create a criminal records tracking system. The District estimates that equipment and labor costs for such a system would be about $3 million over 5 years. Other provisions of the bill would result in no significant cost to the D.C. government.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Marta Morgan, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

C. EVALUATION OF REGULATORY AND PAPERWORK IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory and paperwork impact of H.R. 1502. It has also considered the bill's impact on the privacy of individuals or firms doing business with the Federal Government. The Committee's evaluation under paragraph 11(b) must include the four elements listed below.

1. An estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses. H.R. 1502 would not result in any additional regulation of individuals and businesses.

2. A determination of the economic impact of such regulation on the individuals, consumers, and businesses affected. Not applicable.

3. A determination of the impact on the personal privacy of the individual affected. Not applicable.

4. A determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the legislation, including estimates of the amount of time and financial cost required of affected parties, as well as reasonable estimates of the recordkeeping requirements that may be associated with the legislation. Not applicable.

D. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the statutory provisions of the bill are as follows (existing law provisions to be omitted are enclosed in brackets, new material is printed in italic, and existing law in which no change is proposed is shown in roman):

DISTRICT OF COLUMBIA CODE

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

* * * * * * *

TITLE V—FEDERAL PAYMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 502.

* * * * * * *

(c)(1) In addition to the amounts authorized to be appropriated under subsection (a), and subject to paragraphs (2) and (3), there are authorized to be appropriated to the District of Columbia, for salaries and expenses (including benefits and necessary equipment) of 700 additional officers and members of the Metropolitan Police Department of the District of Columbia, $23,149,000 for fiscal year 1990, $23,338,000 for fiscal year 1991, $25,199,000 for fiscal year 1992, $27,252,000 for fiscal year 1993, and $28,367,000 for fiscal year 1994.

(2) Amounts appropriated under paragraph (1) shall be available only for salaries and expenses (including benefits and necessary equipment) of officers and members of the Metropolitan Police Department of the District of Columbia in excess of the authorized level of the department, for fiscal year 1989, of 4,055 officers and members.

(3)(A) For fiscal year 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expended until 120 days after the Mayor develops and submits a plan for the implementation in the District of Columbia of a community-oriented policing system to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate.

(B) For fiscal years after 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expended until the Mayor submits a notification to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate that the District of Columbia has implemented for such fiscal year a community-oriented policing system in the District of Columbia.

* * * * * * *

TITLE 33. FOOD AND DRUGS

* * * * * * *

CHAPTER 5. CONTROLLED SUBSTANCES

* * * * * * *

§ 33–552. Forfeitures.

* * * * * * *

(d)(1) All controlled substances, the lawful possession of which is not established or the title to which cannot be ascertained, which come into the custody of law-enforcement officials of the District of Columbia shall be delivered promptly to the United States Department of Justice or its delegate for disposal, except that controlled substances which may be needed as evidence in any criminal or administrative proceeding pursuant to the provisions of this chapter or the provisions of any federal controlled substances law shall, upon delivery to the United States Department of Justice, not be so disposed of until the public official in charge of prosecuting any violation under this chapter shall certify that such controlled substances are no longer needed as evidence.

(2) Property, other than controlled substances, taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the Mayor. When property is seized under this chapter, the Mayor shall:

(A) Place the property under seal;

(B) Remove the property to a place designated by the Mayor; or

(C) Remove the property to an appropriate location for disposition in accordance with law.

(3) When property, other than controlled substances, is forfeited under this chapter, the Mayor shall:

(A) Retain it for official use;

(B) Sell that which is not required by law to be destroyed and which is not harmful to the public. All proper expense of the proceedings for forfeiture and sale, including expenses of seizures, maintenance of custody, advertising, and court costs shall be deducted from the proceeds. The balance of the proceeds [shall be used to finance programs] *shall be used, and shall remain available until they are so used regardless of the fiscal year in which they were collected, to finance law enforcement activities of the Metropolitan Police Department of the District of Columbia, with any remaining balance used to finance programs* which shall serve to rehabilitate drug addicts, educate citizens, or prevent drug addiction;

(C) Remove the property for disposition in accordance with law; or

(D) Forward it to the D.E.A. for disposition.

* * * * * * *

(Aug. 5, 1981, D.C. Law 4-29, § 502, 28 DCR 3081; Apr. 3, 1982, D.C. Law 4-96, § 2, 29 DCR 762; Sept. 29, 1988, D.C. Law 7-162, § 2, 35 DCR 5733.)

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